

---

TITLE 465 DEPARTMENT OF CHILD SERVICES

---

## Final Rule

LSA Document #10-415(F)

## DIGEST

Adds [465 IAC 2-2-1.1](#) and [465 IAC 2-2-1.2](#) and amends [465 IAC 2-2-5](#), [465 IAC 2-9-48](#), [465 IAC 2-9-50](#), [465 IAC 2-10-48](#), [465 IAC 2-10-50](#), [465 IAC 2-11-48](#), [465 IAC 2-11-50](#), [465 IAC 2-12-48](#), [465 IAC 2-12-50](#), [465 IAC 2-13-48](#), and [465 IAC 2-13-50](#), concerning the licensing of child-placing agencies, child-caring institutions, emergency shelter child-caring institutions, private secure facilities, group homes, and emergency shelter group homes, to change educational and experience qualifications for certain employees, to amend child to caseworker ratios, to establish new ratios of supervisors to direct care staff, and to add definitions applicable to child-placing agency licensing standards. Amends [465 IAC 2-9-27](#), [465 IAC 2-10-27](#), [465 IAC 2-11-27](#), [465 IAC 2-12-27](#), and [465 IAC 2-13-27](#) to update obsolete definitions of the term "SDPW" as used in those rules. Effective January 1, 2012.

[465 IAC 2-2-1.1](#); [465 IAC 2-2-1.2](#); [465 IAC 2-2-5](#); [465 IAC 2-9-27](#); [465 IAC 2-9-48](#); [465 IAC 2-9-50](#); [465 IAC 2-10-27](#); [465 IAC 2-10-48](#); [465 IAC 2-10-50](#); [465 IAC 2-11-27](#); [465 IAC 2-11-48](#); [465 IAC 2-11-50](#); [465 IAC 2-12-27](#); [465 IAC 2-12-48](#); [465 IAC 2-12-50](#); [465 IAC 2-13-27](#); [465 IAC 2-13-48](#); [465 IAC 2-13-50](#)

SECTION 1. [465 IAC 2-2-1.1](#) IS ADDED TO READ AS FOLLOWS:

**[465 IAC 2-2-1.1](#) "Department" and "state department of public welfare" defined**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-25-1-1](#); [IC 31-27-6](#)

**Sec. 1.1. As used in this rule, "department" or "state department of public welfare" means the department of child services established by [IC 31-25-1-1](#).**

*(Department of Child Services; [465 IAC 2-2-1.1](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012)*

SECTION 2. [465 IAC 2-2-1.2](#) IS ADDED TO READ AS FOLLOWS:

**[465 IAC 2-2-1.2](#) "Enhanced supervision" defined**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-27-6](#)

**Sec. 1.2. As used in this rule, "enhanced supervision" means additional daily supervision that a foster parent will be required to provide for a child with extraordinary needs, based on categories of supervision established by the department.**

*(Department of Child Services; [465 IAC 2-2-1.2](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012)*

SECTION 3. [465 IAC 2-2-5](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-2-5](#) Personnel; standards for number and type of employees**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-27-6](#)

**Sec. 5. ~~Personnel:~~** (a) Each child-placing agency shall employ a competent, qualified, and reputable executive, and a sufficient number of competent and qualified employees to provide adequate supervision and service for the children under care of the agency. ~~Either The casework supervisor or the case workers~~ employed

by such agency shall have had case work training in a recognized school of social work, including the following:

**(1) a master's degree or higher from an accredited school in:**

**(A) social work;**

**(B) counseling; or**

**(C) a related human service area of study;**

**(2) supervised casework in the field; and**

**(3) at least one (1) year of child-placing experience in a recognized or licensed agency having responsibility for the placement of children in foster care.**

(b) The following standard shall be used as a guide by each child-placing agency and by the State department of Public Welfare in determining the number of caseworkers needed by the child-placing agency:

**(1) The number of children in foster care under the supervision of one (1) caseworker should shall not exceed 50; and, if other responsibilities such as foster home finding, intake duties, adoptive studies and similarly related activities are also required of a case worker, the number of children under the supervision of that worker should be reduced proportionately by the time devoted to such other responsibilities. eighteen (18).**

**(2) For children requiring enhanced supervision, the caseworker to child ratio shall be determined and approved by the department, which ratio shall range between 1:8 and 1:12.**

(c) Each child-placing agency shall employ as staff members only persons:

**(1) duly qualified;**

**(2) of good character as evidenced by character references; and**

**(3) in satisfactory health.**

(d) Each child-placing agency shall employ a sufficient number of office staff members to properly maintain office administrative procedures on a current basis.

(e) Each child-placing agency furnishing medical or dental care to children in the care of the agency shall use the services of only licensed physicians and dentists.

(f) Each child-placing agency shall adopt specific written policies regarding personnel practices affecting staff members of the agency.

**(g) The supervisor to caseworker staff ratio shall range between one (1) supervisor for five (5) caseworkers and one (1) supervisor to eight (8) caseworkers depending on the level of enhanced supervision required for the children being served.**

**(h) An employee who is in a position on January 1, 2012, and who was qualified for that position under subsection (a) as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

*(Department of Child Services; Title 3, Ch 2, Reg 3-205; filed Dec 31, 1948, 10:30 a.m.: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.:*

*[20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012)*

*NOTE: Transferred from the Division of Family Resources ([470 IAC 3-2-5](#)) to the Department of Child Services ([465 IAC 2-2-5](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 4. [465 IAC 2-9-27](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-9-27](#) "SDPW" or "department" defined**

**Authority: [IC 31-27-2-4](#)**

**Affected: [IC 31-25-1-1](#); [IC 31-27-3](#)**

Sec. 27. As used in this rule, "SDPW" or "department" means the state department of public welfare child

services established by [IC 31-25-1-1](#).

(Department of Child Services; [465 IAC 2-9-27](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-11-27](#)) to the Department of Child Services ([465 IAC 2-9-27](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 5. [465 IAC 2-9-48](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-9-48](#) Administrative and supervisory personnel**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-3](#)

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the ~~SDPW~~: **department**.

(c) When nondirect care functions have been approved by ~~SDPW~~ **the department** and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have ~~one (1) of the following:~~

~~(1) a master's degree or higher from an accredited school in:~~

~~(1) social work;~~

~~(2) counseling; social work administration; or~~

~~(3) a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs. area of study.~~

~~(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.~~

**(e) The administrator shall also meet one (1) of the following requirements:**

**(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.**

**(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:**

**(A) A clinical social worker.**

**(B) A marriage and family therapist.**

**(C) A mental health counselor.**

**(D) A social worker with a master's degree.**

**(E) A related field as determined by the department.**

~~(f)~~ **(f)** If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in ~~a child care services.~~

**welfare agency or therapeutic setting that serves children.** However, in this case, the institution shall employ a program director who meets the qualifications set forth in ~~subsection~~ **subsections (d) and (e) rather than the qualification set forth in subsection (h).**

~~(g)~~ **(g)** When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

~~(g)~~ **(h)** The program director shall have one (1) of the following:

**(1) A master's degree in social work, counseling, or a master's degree in a human service area of study from an accredited school.**

**(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an**

accredited school plus ~~two (2)~~ **four (4)** years of experience in **a professional capacity in a child care services: welfare agency or therapeutic setting that serves children.**

~~(h)~~ **(i)** The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

~~(i)~~ **(j)** The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

- (1) A bachelor's degree and one (1) year of work experience in a child-caring institution.
- (2) Two (2) years of college and two (2) years of work experience in a child-caring institution.
- (3) A high school diploma and four (4) years of work experience in a child-caring institution.

**(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-9-48](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-11-48](#)) to the Department of Child Services ([465 IAC 2-9-48](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 6. [465 IAC 2-9-50](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-9-50](#) Direct care personnel; child-staff ratios**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-3](#)

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

- (1)** be at least twenty-one (21) years of age; and ~~shall~~
- (2)** have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. ~~A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under previous rule [470 IAC 3-3](#), is exempted from the specific requirements for these child-staff ratios.~~

(c) **While children are awake**, the institution shall maintain a ratio of at least one (1) direct care worker on duty to every ~~twelve (12) children while~~ **child ratio shall be determined and approved by the department based on the needs of the children are awake. being served. The approved ratio shall range between 1:4 to 1:8.** While children are sleeping, the ratio shall be at least one (1) direct care worker to every ~~twenty (20)~~ **twelve (12)** children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every ~~six (6)~~ **four (4)** children, whether the children are awake or asleep.

(e) When ~~a group of twelve (12) or fewer children is under the care of one (1) employee~~ **is supervising a group of children**, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities.

(g) The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.

(h) To be considered in the staffing ratios, the staff must be awake. Any institution who is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012.

(Department of Child Services; [465 IAC 2-9-50](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-11-50](#)) to the Department of Child Services ([465 IAC 2-9-50](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 7. [465 IAC 2-10-27](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-10-27](#) "SDPW" or "department" defined**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-25-1-1](#); [IC 31-27-3](#)

Sec. 27. As used in this rule, "SDPW" or "department" means the state department of public welfare child services established by [IC 31-25-1-1](#).

(Department of Child Services; [465 IAC 2-10-27](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-12-27](#)) to the Department of Child Services ([465 IAC 2-10-27](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 8. [465 IAC 2-10-48](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-10-48](#) Administrative and supervisory personnel**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-27-3](#)

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the ~~SDPW~~: **department**.

(c) When nondirect care functions have been approved by ~~SDPW~~ **the department** and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have ~~one (1) of the following~~:

~~(4) a master's degree or higher from an accredited school in:~~

~~(1) social work;~~

~~(2) counseling; social work administration; or~~

~~(3) a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs. area of study.~~

~~(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.~~

**(e) The administrator shall also meet one (1) of the following requirements:**

**(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.**

**(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:**

- (A) A clinical social worker.**
- (B) A marriage and family therapist.**
- (C) A mental health counselor.**
- (D) A social worker with a master's degree.**
- (E) A related field as determined by the department.**

~~(e)~~ **(f)** If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in a child care services- **welfare agency or therapeutic setting that serves children.** However, in this case, the institution shall employ a program director who meets the qualifications set forth in ~~subsection~~ **subsections (d) and (e) rather than the qualification set forth in subsection (h).**

~~(f)~~ **(g)** When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

~~(g)~~ **(h)** The program director shall have one (1) of the following:

- (1) A master's degree in social work, **counseling**, or ~~a master's degree in a human service area of study from an accredited school.~~
- (2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus ~~two (2)~~ **four (4)** years of experience in **a professional capacity in a child care services- welfare agency or therapeutic setting that serves children.**

~~(h)~~ **(i)** The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

~~(i)~~ **(j)** The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

- (1) A bachelor's degree and one (1) year of work experience in a child-caring institution.
- (2) Two (2) years of college and two (2) years of work experience in a child-caring institution.
- (3) A high school diploma and four (4) years of work experience in a child-caring institution.

**(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-10-48](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-12-48](#)) to the Department of Child Services ([465 IAC 2-10-48](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 9. [465 IAC 2-10-50](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-10-50](#) Direct care personnel; child-staff ratios**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-3](#)

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

- (1) be at least twenty-one (21) years of age; and shall**
- (2) have at least a high school or equivalency diploma.**



(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. ~~A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule [470 IAC 3-3](#), is exempted from the specific requirements for these child-staff ratios.~~

(c) ~~While children are awake or asleep, the institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the child ratio shall be at least one (1) direct care worker to every twenty (20) children.~~ **determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:4 to 1:8.**

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every ~~six (6)~~ **four (4)** children, whether the children are awake or asleep.

(e) ~~When a group of twelve (12) or fewer children is under the care of one (1) employee~~ **is supervising a group of children**, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities.

(g) **The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.**

(h) **To be considered in the staffing ratios, the staff must be awake. Any institution who is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-10-50](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-12-50](#)) to the Department of Child Services ([465 IAC 2-10-50](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 10. [465 IAC 2-11-27](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-11-27](#) "SDPW" or "department" defined**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-25-1-1](#); [IC 31-27-3](#)

Sec. 27. As used in this rule, "SDPW" or "department" means the state department of ~~public welfare~~ **child services established by [IC 31-25-1-1](#).**

*(Department of Child Services; [465 IAC 2-11-27](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-13-27](#)) to the Department of Child Services ([465 IAC 2-11-27](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 11. [465 IAC 2-11-48](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-11-48](#) Administrative and supervisory personnel**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-3](#)

Sec. 48. (a) The child-caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the **SDPW department**.

(c) When nondirect care functions have been approved by **SDPW the department** and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have ~~one (1) of the following:~~

~~(1) a master's degree or higher from an accredited school in:~~

~~(1) social work;~~

~~(2) counseling; social work administration; or~~

~~(3) a related human service degree from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs. area of study.~~

~~(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs~~

(e) The administrator shall also meet one (1) of the following requirements:

(1) **Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.**

(2) **One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:**

(A) **A clinical social worker.**

(B) **A marriage and family therapist.**

(C) **A mental health counselor.**

(D) **A social worker with a master's degree.**

(E) **A related field as determined by the department.**

~~(e) (f)~~ If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in ~~a child care services-~~ **welfare agency or therapeutic setting that serves children**. However, in this case, the institution shall employ a program director who meets the qualifications set forth in ~~subsection~~ **subsections (d) and (e) rather than the qualification set forth in subsection (h).**

~~(f) (g)~~ When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

~~(g) (h)~~ The program director shall have one (1) of the following:

(1) A master's degree in social work, **counseling**, or ~~a master's degree in a human service area of study from an accredited school.~~

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus ~~two (2)~~ **four (4)** years of experience in **a professional capacity in a child care services- welfare agency or therapeutic setting that serves children.**

~~(h) (i)~~ The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school, plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

~~(i) (j)~~ The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child-caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child-caring institution.

(3) A high school diploma and four (4) years of work experience in a child-caring institution.



**(k) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-11-48](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-13-48](#)) to the Department of Child Services ([465 IAC 2-11-48](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 12. [465 IAC 2-11-50](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-11-50](#) Direct care personnel; child-staff ratios**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-3](#)

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

- (1)** be at least twenty-one (21) years of age; and ~~shall~~
- (2)** have at least a high school or equivalency diploma.

(b) A secure private facility shall have four (4) children to one (1) staff member or any fraction thereof for the direct care and supervision of children during waking hours when children are present.

(c) A secure private facility shall have two (2) awake staff at night for the direct supervision of children during sleeping hours.

(d) The secure private facility shall have at least two (2) direct care workers whenever one (1) or more children is present.

(e) The institution shall have a written plan and a telephone available for direct service workers to summon another staff member in case of an emergency without leaving the unit and without leaving another unit unattended.

(f) The institution shall have sufficient caseworkers for the unit to meet the counseling requirements of individual, group, or family counseling sessions for each child in care.

(g) These child-staff ratios shall be maintained at group off-grounds activities.

(h) Staff members responsible for the daily care and supervision of the children in the secure private facility shall have no responsibilities in addition to child-care related activities when children are present. Children of staff members shall not be allowed to reside in the private secure unit.

**(i) The institution shall maintain a ratio of supervisors to direct care workers that ranges between 1:4 to 1:8.**

**(j) To be considered in the staffing ratios, the staff must be awake.**

*(Department of Child Services; [465 IAC 2-11-50](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-13-50](#)) to the Department of Child Services ([465 IAC 2-11-50](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 13. [465 IAC 2-12-27](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-12-27](#) "SDPW" or "department" defined**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-25-1-1](#); [IC 31-27-5](#)

Sec. 27. As used in this rule, "SDPW" or "**department**" means the ~~state department of public welfare child services established by [IC 31-25-1-1](#).~~

*(Department of Child Services; [465 IAC 2-12-27](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-14-27](#)) to the Department of Child Services ([465 IAC 2-12-27](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 14. [465 IAC 2-12-48](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-12-48](#) Administrative personnel**

Authority: [IC 31-27-2-4](#)

Affected: [IC 31-27-5](#)

Sec. 48. (a) ~~The child-caring institution~~ **group home** shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the ~~SDPW.~~ **department.**

(c) When nondirect care functions have been approved by ~~SDPW~~ **the department** and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have ~~one (1) of the following:~~

~~(1) a master's degree or higher from an accredited school in:~~

~~(1) social work;~~

~~(2) counseling; or~~

~~(3) a master's degree in a related human service area of study. from an accredited school and one (1) year of experience in child care services.~~

~~(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.~~

**(f) The administrator shall also meet one (1) of the following requirements:**

**(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.**

**(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:**

**(A) A clinical social worker.**

**(B) A marriage and family therapist.**

**(C) A mental health counselor.**

**(D) A social worker with a master's degree.**

**(E) A related field as determined by the department.**

~~(f)~~ **(g) If the group home is owned and administered by a parent agency and the parent agency employs an**

administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person ~~meeting at least the qualifications of a caseworker as defined in section 49 of this rule:~~ **having a bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.**

~~(g)~~ **(h)** The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

~~(h)~~ **(i)** When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

**(j) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-12-48](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-14-48](#)) to the Department of Child Services ([465 IAC 2-12-48](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 15. [465 IAC 2-12-50](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-12-50](#) Direct care personnel; child-staff ratios**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-5](#)

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

- (1)** be at least twenty-one (21) years of age; and ~~shall~~
- (2)** have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. ~~A house parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule [470 IAC 3-6](#), is exempted from the specific requirements for these child-staff ratios.~~

(c) ~~At least one (1)~~ **While children are awake, the direct care worker to child ratio shall be on-duty in the group home at all times when children are present. determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:6 to 1:8. While children are sleeping, the ratio shall be at least one (1) direct care worker to every ten (10) children.**

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, ~~there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present~~ **the group home shall maintain a ratio of at least one (1) direct care worker to every four (4) children**, whether the children are awake or asleep.

(e) ~~When a group of ten (10) or fewer children is under the care of one (1) employee~~ **is supervising a group of children**, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities.

**(g) To be considered in the staffing ratios, the staff must be awake. Any institution that is approved**

**prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012.**

(Department of Child Services; [465 IAC 2-12-50](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-14-50](#)) to the Department of Child Services ([465 IAC 2-12-50](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 16. [465 IAC 2-13-27](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-13-27](#) "SDPW" or "department" defined**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-25-1-1](#); [IC 31-27-5](#)

Sec. 27. As used in this rule, "SDPW" or **"department"** means the state department of ~~public welfare~~ **child services established by [IC 31-25-1-1](#).**

(Department of Child Services; [465 IAC 2-13-27](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-15-27](#)) to the Department of Child Services ([465 IAC 2-13-27](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.

SECTION 17. [465 IAC 2-13-48](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-13-48](#) Administrative personnel**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-5](#)

Sec. 48. (a) ~~The child-care institution~~ **group home** shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the ~~SDPW~~ **department**.

(c) When nondirect care functions have been approved by ~~SDPW~~ **the department** and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have ~~one (1) of the following:~~

~~(1) a master's degree or higher from an accredited school in:~~

~~(1) social work;~~

~~(2) counseling; or~~

~~(3) a master's degree in a related human service area of study, from an accredited school and one (1) year of experience in child care services.~~

~~(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.~~

**(f) The administrator shall also meet one (1) of the following requirements:**

**(1) Four (4) years of supervisory and administrative experience in a child welfare agency or therapeutic setting that serves children.**

**(2) One (1) year of supervisory experience in a supervisory capacity and a current license issued by the behavioral health and human services licensing board, as one (1) of the following:**

- (A) A clinical social worker.**
- (B) A marriage and family therapist.**
- (C) A mental health counselor.**
- (D) A social worker with a master's degree.**
- (E) A related field as determined by the department.**

~~(f)~~ **(g)** If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person ~~meeting at least the qualifications of a caseworker as defined in section 49 of this rule.~~ **having a bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in a professional capacity in a child welfare agency or therapeutic setting that serves children.**

~~(g)~~ **(h)** The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

~~(h)~~ **(i)** When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

**(j) An employee who is in a position on January 1, 2012, and who was qualified for that position under this section as in effect before January 1, 2012, is exempt from the requirements of this section as amended on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-13-48](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-15-48](#)) to the Department of Child Services ([465 IAC 2-13-48](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 18. [465 IAC 2-13-50](#) IS AMENDED TO READ AS FOLLOWS:

**[465 IAC 2-13-50](#) Direct care personnel; child-staff ratios**

**Authority:** [IC 31-27-2-4](#)

**Affected:** [IC 31-27-5](#)

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall:

- (1) be at least twenty-one (21) years of age; and shall**
- (2) have at least a high school or equivalency diploma.**

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. ~~A house parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule [470 IAC 3-6](#), is exempted from the specific requirements for these child-staff ratios.~~

~~(c) At least one (1)~~ **While children are awake and asleep, the direct care worker to child ratio shall be on duty in the group home at all times when children are present. determined and approved by the department based on the needs of the children being served. The approved ratio shall range between 1:6 to 1:8.**

~~(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present~~ **the group home shall maintain a ratio of at least one (1) direct care worker to every four (4) children, whether the children are awake or asleep.**

(e) When a group of ten (10) or fewer children is under the care of one (1) employee **is supervising a group of children**, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities.

**(g) To be considered in the staffing ratios, the staff must be awake. Any institution that is approved prior to January 1, 2012, to have night staff that are not awake is exempt from the requirements of this section on or after January 1, 2012.**

*(Department of Child Services; [465 IAC 2-13-50](#); filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Nov 27, 2007, 6:52 a.m.: [20071226-IR-465070551RFA](#); filed May 25, 2011, 1:23 p.m.: [20110622-IR-465100415FRA](#), eff Jan 1, 2012) NOTE: Transferred from the Division of Family Resources ([470 IAC 3-15-50](#)) to the Department of Child Services ([465 IAC 2-13-50](#)) by P.L.234-2005, SECTION 195, effective July 1, 2005.*

SECTION 19. This document takes effect on January 1, 2012.

LSA Document #10-415(F)

Notice of Intent: [20100623-IR-465100415NIA](#)

Proposed Rule: [20100922-IR-465100415PRA](#)

Hearing Held: October 19, 2010

Approved by Attorney General: May 16, 2011

Approved by Governor: May 24, 2011

Filed with Publisher: May 25, 2011, 1:23 p.m.

Documents Incorporated by Reference: None Received by Publisher

Small Business Regulatory Coordinator: Regina C. Ashley, Deputy General Counsel, Indiana Department of Child Services, 302 West Washington Street, Room E306, Indianapolis, IN 46204, (317) 234-5080, [regina.ashley@dcs.in.gov](mailto:regina.ashley@dcs.in.gov)

Posted: 06/22/2011 by Legislative Services Agency

An [html](#) version of this document.